

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DANIEL WILLIAMS

Plaintiff,

v.

LOWE'S COMPANIES, INC.

Defendant.

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No.

JURY TRIAL DEMANED

CIVIL ACTION COMPLAINT AND JURY DEMAND

I. PRELIMINARY STATEMENT

1. This is a claim against the Defendant, Lowe's Companies, Inc. for personal injuries caused to Plaintiff while lawfully on the Defendant's premises.

II. PARTIES

2. Plaintiff, Daniel Williams is an adult individual and citizen of the Commonwealth of Pennsylvania residing therein at 4430 Edgemont Street, Philadelphia, Pennsylvania 19137.

3. Defendant, Lowe's Companies, Inc., upon all information and belief, was and is now a business entity, believed to be a corporation with a corporate headquarters located at 1000 Lowes Boulevard, Mooresville, North Carolina 28117.

4. At all times relevant hereto, the Defendant acted by and through its trustees, directors, agents, servants, employees, workmen and/or other representatives, who were, in turn, acting within the course and scope of their employment, agency and/or service for the same and under the direct control of Defendant.

5. At all times material herein, the Defendant, by and through its trustees, directors, agents, servants, workmen, employees and/or other representatives, acting within the course and

scope of their employment, agency and/or service with the Defendant, owned, operated, controlled, leased, inspected, possessed, managed and/or maintained the Lowe's commonly known as Store #1849 located at 2106 S. Christopher Columbus Boulevard in Philadelphia, PA 19148.

6. On or about October 8, 2013, and for a long time prior thereto, it was the duty of the Defendant, by and through its respective officers, agents, servants, employees, workmen and/or other representatives, to keep and maintain the store in a reasonably safe condition for persons lawfully on the premises.

III. JURISDICTION AND VENUE

7. Jurisdiction is conferred upon this Court by virtue of the parties' diversity of citizenship pursuant to 28 U.S.C. § 1332.

8. The amount in controversy in this action is in excess of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of costs and fees.

9. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because Defendant is subject to personal jurisdiction within the district and because Defendant regularly and continuously conducts business within the district.

IV. STATEMENT OF CLAIMS

10. On or about October 8, 2013, Plaintiff, Daniel Williams was in the receiving department of the aforementioned Lowe's Store #1849 to pick up a window for an installation job when, suddenly and without warning, a steel beam fell onto Plaintiff's right foot causing severe and permanent bodily injuries more fully set forth at length herein.

11. As a result of Defendant's negligent acts and omissions, Plaintiff, Daniel Williams, suffered severe injuries, including but not limited to, a fracture to the toe of his right

foot and ruptured extensor tendons in the right foot. Plaintiff has in the past and will in the future undergo severe pain and suffering as a result of which he has in the past and will in the future be unable to engage in his usual activities, all to his great loss and detriment.

12. As a further result of Defendant's negligent acts and omissions, Plaintiff was caused to undergo medical treatment and incur expenses in an effort to seek a cure to all or some of his injuries, and will continue to incur such losses in the future, all to his great detriment and loss.

13. As a further result of Defendant's conduct, Plaintiff has in the past and may in the future suffer a loss of his earnings and/or earning capacity, and he may incur such loss for an indefinite period in the future.

14. As a further result of Defendant's conduct, Plaintiff has suffered a loss of the enjoyment of his usual duties, avocations, life's pleasures and activities, all to his great detriment and loss.

15. The aforementioned accident and the injuries sustained by Plaintiff set forth above are the direct and proximate result of the negligent acts and omissions of the Defendant, acting by and through its agents, servants, workmen, employees and/or other representatives, who, at all times, were acting within the course and scope of their employment, service and authority.

16. The aforementioned accident was caused solely and exclusively by reason of the negligence and carelessness of the Defendant, its agents, servants, workmen, employees and/or other representatives, and was in no way due to any act or failure to act on the part of the Plaintiff.

WHEREFORE, Plaintiff, Daniel Williams, demands judgment in his favor and against Defendant, Lowe's Companies, Inc., in an amount in excess of \$150,000.00 together with costs of suit, interest and reasonable attorney's fees, and any such other relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury.

Respectfully,

SWARTZ CULLETON PC

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Date: November 6, 2013